

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES T. DAVIS, No. CIV-S-04-0886 MCE/PAN P

Plaintiff,

v.

ORDER

EDWARD ALAMEIDA, ET AL.,

Defendants.

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On August 18, 2005, the court dismissed this action and the clerk of the court duly entered judgment. Plaintiff seeks relief from that judgment.

Fed. R. Civ. P. 60(b) provides as follows:

On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void;

1 (5) the judgment has been satisfied, released or discharged,
2 or a prior judgment upon which it is based has been reversed
3 or otherwise vacated, or it is no longer equitable that the
4 judgment should have prospective application; or (6) any
5 other reason justifying relief from the operation of the
6 judgment.

7
8 Plaintiff has not demonstrated through his untimely
9 Objections to Findings and Recommendations that he is entitled to
10 relief from the judgment.

11 Accordingly, plaintiff's August 29, 2005, request is denied.

12 IT IS SO ORDERED.

13 DATE: September 28, 2005

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Morrison C. England, Jr.
UNITED STATES DISTRICT JUDGE